

**Article 7: Plumbing and Mechanical Regulations**

**Division 4: Other Water-Conserving Plumbing Standards**

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§147.0401 Purpose of Water-Conserving Plumbing Standards**

The purpose of this division is to reduce sewer flows and decrease the use of imported, potable water in the City by establishing water-conserving plumbing standards for plumbing fixtures.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§147.0402 When the Water-Conserving Plumbing Standards Apply**

The provisions of this division apply to the installation of water-conserving plumbing fixtures in any structure served by the City of San Diego Water Utilities Department.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§147.0403 Definitions for this Division**

The following definitions are applicable to this division.

*Bathroom Alteration* mean any alteration of or addition to a bathroom in any structure for which Section 129.0402 would require a plumbing permit for replacement of a toilet.

*Bathroom Alteration Retrofit Certificate* means a certificate that certifies that any responsible person who has completed a bathroom alteration has replaced any existing plumbing fixture in the altered bathroom with a water-conserving plumbing fixture.

*Change of Ownership* means a transfer, sale, or exchange of the fee interest in any real property.

*Existing Plumbing Fixture* means the following:

- (1) any toilet manufactured to use more than 3.5 gallons of water per flush;
- (2) any urinal manufactured to use more than one gallon of water per flush;
- (3) any showerhead manufactured to have a flow capacity of more than 2.5 gallons of water per minute;

- (4) any faucet that emits more than 2.2 gallons of water per minute; or
- (5) any residential reverse osmosis system that does not have a shutoff valve.

*Existing Structure* means either of the following:

- (1) any structure served by the City of San Diego Water Utilities Department and equipped with toilets manufactured to use more than 3.5 gallons of water per flush, or urinals manufactured to use more than 1 gallon of water per flush; or
- (2) any structure served by the City of San Diego Water Utilities Department and equipped with showerheads that have a flow capacity of more than 2.5 gallons of water per minute, faucets that emit more than 2.2 gallons of water per minute, or residential reverse osmosis systems that do not have a shutoff valves.

*Retrofit* means to replace any existing plumbing fixture in an exiting structure with a water-conserving plumbing fixture.

*Transfer of Responsibility to Retrofit Certificate* means a certificate filed by a transferor of any existing structure before a change of ownership that certifies that the transferor and the transferee mutually agree that responsibility for compliance with Section 147.0301 is assumed by the transferee of the existing structure.

*Ultra-Low Flush Toilet Rebate Program* means a City-sponsored water conservation program that offers a financial incentive to water customers who replace a toilet that is manufactured to use more than 1.6 gallons of water per flush with a toilet manufactured to use no more than 1.6 gallons of water per flush.

*Water Conservation Certificate* means a certificate filed by a transferor or transferee of any structure or existing structure before a change of ownership that certifies any structure or existing structure is equipped or retrofitted only with water-conserving plumbing fixtures or toilets manufactured to use no more than 3.5 gallons of water per flush.

*Water-Conserving Plumbing Fixture* means:

- (1) any toilet manufactured to use no more than 1.6 gallons of water per flush, that meets performance standards established by American

Society of Mechanical Engineers Standards A112.19.2-1990 and A112.19.6-1990;

- (2) any urinal manufactured to use no more than 1 gallon of water per flush, that meets performance standards established by American Society of Mechanical Engineers Standards A112.19.2-1990 and A112.19.6-1990;
- (3) any showerhead manufactured to have a flow capacity of no more than 2.5 gallons of water per minute;
- (4) any faucet that emits no more than 2.2 gallons of water per minute; or
- (5) any residential reverse osmosis system that has a shutoff valve.

*(Amended 9-24-2002 by O-19105 N.S.)*

**§147.0404 Regulations to Retrofit upon Change of Ownership**

- (a) Before a change of ownership, the transferor of any existing structure shall replace any existing plumbing fixture with a water-conserving plumbing fixture.
- (b) Before a change of ownership, the transferor and the transferee of any existing structure may agree to transfer responsibility for compliance with this division to the transferee in accordance with Section 147.0408. If the transferee assumes responsibility for retrofitting, the transferee shall complete the retrofit within at least 90 calendar days of the change of ownership.
- (c) The transferor and the transferee of any existing structure may agree to have compliance with this division included as a condition of escrow, have the responsibility for retrofitting assumed by the transferee, and have the retrofit paid for from the proceeds of the sale of the existing structure.
  - (1) If the transferor and the transferee agree to have compliance with this division included as a condition of escrow, the escrow agent shall retain a sufficient sum of money, agreed upon by the transferor and the transferee, to be retained from the proceeds of the sale to complete the retrofit.
  - (2) The transferee shall complete the retrofit within at least 90 calendar days of the close of escrow.

- (3) After the transferee has completed the retrofit, the transferee shall submit proof of completion of the retrofit to the escrow agent. The escrow agent may release the retained funds from the proceeds of the sale upon receiving reasonable, satisfactory proof of completion of the retrofit from the transferee.
- (4) The Building Official shall establish administrative regulations for the procedures to be followed by the transferor, the transferee, and the escrow agent for complying with Section 147.0404(c).
- (d) The transferor of any existing structure shall not be required to retrofit when a change of ownership occurs as a result of the following:
  - (1) A court order, including an order by a probate court in the administration of an estate;
  - (2) A foreclosure or voluntary or involuntary bankruptcy;
  - (3) The exercise of eminent domain;
  - (4) The administration of a deceased person's estate, guardianship, conservatorship, or trust;
  - (5) One title co-holder of real property transferring, selling, or exchanging with one or more other title co- holders;
  - (6) A transfer, without consideration, from one family member to another family member; or
  - (7) A decree of dissolution of marriage, a decree of legal separation, or from a property settlement agreement incidental to such a decree.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### **§147.0405 Retrofit upon Bathroom Alteration**

Upon bathroom alteration, the responsible person shall replace any existing plumbing fixture in the bathroom being altered with a water-conserving plumbing fixture.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§147.0406 Retrofit Exemptions**

The Building Official may grant an exemption to the provisions of this division to any person if the Building Official determines that any of the following conditions exists:

- (a) A water-conserving plumbing fixture would be installed in an existing structure that has been identified by a local, state, or federal government entity as an historical site, and an historically accurate water-conserving plumbing fixture is not available;
- (b) Installation of a water-conserving plumbing fixture would require modifications to plumbing system components located beneath a finished wall or surface; or
- (c) The unique configuration of a building drainage system or portions of a public sewer, or both, require a greater quantity of water to flush the system in a manner consistent with public health.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§147.0407 When a Plumbing Permit Is Required for Water-conserving Plumbing Fixture Installation**

Any person who installs a water-conserving plumbing fixture pursuant to Section 147.0404 in any single dwelling unit, or in any multiple dwelling unit with 8 or fewer units, shall not be required to obtain a plumbing permit pursuant to Section 129.0402, unless the installation requires an alteration or replacement of drainage, waste, vent, or supply-plumbing pipes.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§147.0408 Self-verification**

- (a) Before a change of ownership, the transferor and the transferee of any structure or any existing structure shall complete the following procedures:
  - (1) The transferor shall sign a Water Conservation Certificate certifying that the transferor has complied with the requirements of this division or is exempt from retrofitting pursuant to Section 147.0406.
  - (2) After signing the Water Conservation Certificate, the transferor shall forward the Water Conservation Certificate to the transferee for review and signature.

- (3) The transferee shall sign the Water Conservation Certificate, thereby acknowledging awareness and understanding of the requirements of this division.
  - (4) After the transferee has signed the Water Conservation Certificate, the transferor shall file the Water Conservation Certificate with the Building Official.
  - (5) If the structure or existing structure goes through escrow, the transferor also shall file a copy of the Water Conservation Certificate with the escrow agent before the close of escrow.
- (b) In the event the transferor and transferee of an existing structure agree that the transferee shall have responsibility for the retrofit upon change of ownership pursuant to Section 147.0404(b), before the change of ownership, the transferor and the transferee shall complete the following procedures:
  - (1) The transferor and the transferee shall sign a Transfer of Responsibility to Retrofit Certificate certifying that the transferee has assumed responsibility for the retrofit.
  - (2) After the transferor and the transferee have signed the Transfer of Responsibility to Retrofit Certificate, the transferor shall file the Transfer of Responsibility to Retrofit Certificate with the Building Official.
  - (3) If the existing structure goes through escrow, the transferor also shall file a copy of the Transfer of Responsibility to Retrofit Certificate with the escrow agent before the close of escrow.
  - (4) Upon completing the retrofit, the transferee shall sign a Water Conservation Certificate certifying that the transferee has complied with the requirements of this division.
  - (5) Within at least 30 calendar days of the completion of the retrofit, the transferee shall file the signed Water Conservation Certificate with the Building Official.
- (c) If the transferor and the transferee have agreed to have compliance with this division included as a condition of escrow, have the responsibility for retrofitting assumed by the transferee, and have the retrofit paid for from the

proceeds of the sale of the existing structure pursuant to Section 147.0404(c), the transferor and the transferee shall complete the following procedures:

- (1) The transferor and the transferee shall sign a Transfer of Responsibility to Retrofit Certificate certifying that the transferee has assumed responsibility for the retrofit.
  - (2) After the transferor and the transferee have signed the Transfer of Responsibility to Retrofit Certificate, and before the close of escrow, the transferor shall file the Transfer of Responsibility to Retrofit Certificate with the Building Official and a copy thereof with the escrow agent.
  - (3) Upon completing the retrofit, the transferee shall sign a Water Conservation Certificate certifying that the transferee has complied with the requirements of this division.
  - (4) Within at least 30 calendar days of the completion of the retrofit, the transferee, or the escrow agent on the transferee's behalf, shall file the signed Water Conservation Certificate with the Building Official.
- (d) The transferor of any structure that is in compliance with the requirements of this division shall not be required to file a Water Conservation Certificate with the Building Official before a change of ownership pursuant to Section 147.0408 if a Water Conservation Certificate has been filed with the Building Official by a previous owner of the structure.
- (e) Upon completing the retrofit of a bathroom pursuant to Section 147.0405, the responsible person shall complete the following procedures:
- (1) The responsible person shall sign a Bathroom Alteration Retrofit Certificate certifying that the responsible person has complied with the requirements of Section 145.0405.
  - (2) Within at least 30 calendar days following completion of any bathroom alteration, the responsible person shall file the signed Bathroom Alteration Retrofit Certificate with the Building Official.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§147.0409 Agents of a Transferor**

Nothing in this division is intended to create any duty upon the agent of a transferor or a transferee of any structure or any existing structure, unless otherwise mutually agreed to in writing.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*